

Notice of Allowability	Application No.	Applicant(s)	
	09/475,958	BITNER ET AL.	
	Examiner	Art Unit	
	Bradley L. Sisson	1634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to letters of 14 February 2005 and 16 June 2005.
2. ☒ The allowed claim(s) is/are 1-18, 20-25, 27-29 and 35-38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>31 May 2002, 2/14/05</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Grady J. Frenchick, Reg. No. 29,018 on 01 September 2005. The application has been amended as follows:

Claim 8 (Amended). A method of clearing a solution of disrupted biological material, according to steps comprising:

- (a) providing a solution comprising a disrupted biological material;
- (b) combining the solution with magnetic particles having a particle size of about 1 to 15 μm under conditions wherein the disrupted biological material other than target nucleic acids selected from the group consisting of plasmid DNA, total RNA, mRNA, and genomic DNA, selectively adsorbs to the particles, thereby forming a complex, wherein said magnetic particles are selected from the group consisting of (1) pH dependent ion exchange particles and (2) silica magnetic particles consisting essentially of a magnetic core coated with a siliceous oxide having a hydrous siliceous oxide adsorptive surface; and
- (c) separating the complex from the solution by application of magnetic force.

Claim 15 (Amended). A method of clearing a solution of disrupted biological material other than nucleic acids, according to steps comprising:

- (a) providing a solution comprising a disrupted biological material;
- (b) combining the solution with magnetic particles having a particle size of about 1 to 15 μm under conditions wherein the disrupted biological material other than target nucleic acids selected from the group consisting of plasmid DNA, total RNA, mRNA, and genomic DNA, selectively adsorbs to the particles, thereby forming a complex, wherein the magnetic particles are pH dependent ion exchange particles selected from the group consisting of glycidyl-histidine modified silica magnetic particles and glycidyl-alanine modified silica magnetic particles; and
- (c) separating the complex from the solution by application of magnetic force.

Claim 16 (Amended). A method of clearing a solution of disrupted biological material other than target nucleic acids, according to the steps comprising:

- (a) combining a solution with cells contained therein with first magnetic particles having a particle size of about 1 to 15 μm , under conditions wherein the cells selectively adsorb to the first magnetic particles;
- (b) isolating the complex from the solution by application of magnetic force;
- (c) disrupting the cells to provide a solution comprising a disrupted biological material;
- (d) combining the solution of step (c) with second magnetic particles having a particle size of about 1 to 15 μm under conditions wherein the disrupted biological material other than target nucleic selected from the group consisting of plasmid DNA, total RNA, mRNA, and genomic DNA, selectively adsorbs to the second magnetic particles, thereby forming a complex; and

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(e) separating the complex of step (d) from the solution of step (d) by application of magnetic force.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley L. Sisson whose telephone number is (571) 272-0751.

The examiner can normally be reached on 6:30 a.m. to 5 p.m., Monday through Thursday.

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones can be reached on (571) 272-0745. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bradley L. Sisson
Primary Examiner
Art Unit 1634